

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Review of Entries to the Energy Resource
Recovery Account (ERRA) And Compliance
Review of Electric Contract Administration,
Economic Dispatch of Electric Resources, and
Utility Retained Generation Fuel Procurement
Activities for the Record Period of January 1
through December 31, 2005. (U 39 E)

Application 06-02-016
(Filed February 15, 2006)

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

Summary

This ruling sets forth the scope, service list, schedule, category, and assignment of the principal hearing officer for this proceeding following an April 13, 2006 prehearing conference (PHC), pursuant to Rule 6.3 of the Commission's Rules of Practice and Procedure (Rules).

Scope of Proceeding

The scope of this proceeding is to determine whether Pacific Gas and Electric Company's (PG&E) power procurement activities for the recorded period January 1 through December 31, 2005, complied with its adopted procurement plan; and whether its Energy Resource Recovery Account entries for that period are reasonable.

Service List

With the taking of appearances at the PHC, a service list has been established for this proceeding. Parties shall serve filings on all appearances

listed on the service list, including those identified as “State Service” and “Information Only.” Electronic mail is an acceptable method to serve a copy of those filings.¹

Schedule

The schedule for this proceeding is as follows:

<u>Date</u>	<u>Activity</u>
June 15, 2006	All Interested Parties’ Testimony
July 6, 2006	Rebuttal Testimony
July 12, 2006	Coordinated Witness List
July 17, 2006	Evidentiary Hearings, commencing at 10:00 a.m. ²
July 18, 2006	Evidentiary Hearings, as needed
August 25, 2006	Opening Briefs
September 8, 2006	Reply Briefs (Projected Submission Date) ³

The parties shall limit their testimony to matters involving the identified issues. Any request for final oral argument before the Commission shall be made as part of reply briefs that may be filed in this proceeding.

My goal is to resolve this matter no later than December 14, 2006. However, in no event will resolution exceed 18 months from the date of this scoping memo, pursuant to Section 1701.5 of the Public Utilities Code.

¹ See generally, Rules 2.3 and 2.3.1.

² Evidentiary hearings will be held at the Commission’s Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102.

³ Rule 6.3.

Category of Proceeding

This ruling confirms the Commission's preliminary finding in Resolution ALJ 176-3168, dated March 2, 2006, that this proceeding is a ratesetting proceeding, as described in Rule 5(c), and that hearings are required (Rule 6(a)(3)). This ruling, only as to category, is appealable under Rule 6.4.

Assignment of Presiding Officer

Administrative Law Judge Michael Galvin will act as principal hearing officer in this proceeding, pursuant to Rule 5(l).

IT IS RULED that:

1. The scope and schedule for this proceeding is set forth herein.
2. Testimony shall be served on all appearances listed on the service list, including those identified as Information Only and State Service, and on the Assigned Commissioner and assigned Administrative Law Judge (ALJ). Testimony shall not be filed with the Docket Office. Electronic mail is an acceptable method to serve a copy of those filings.
3. Pacific Gas and Electric Company shall coordinate the order that witnesses shall testify with all interested parties and shall provide a copy of an agreed upon witness order list by letter and or electronic mail to all parties and to the assigned Administrative Law Judge (ALJ) by July 12, 2006.
4. Opening and closing briefs shall be filed at the Commission's Docket Office and served on all appearances listed on the service list, Assigned Commissioner and assigned ALJ either by mail or Electronic Protocols consistent with Rules 2.3 and 2.3.1 of the Commission's Rules of Practice and Procedure.
5. Any request for final oral argument before the Commission shall be made as part of reply briefs that may be filed in this proceeding.

6. This ruling confirms that this application is a ratesetting proceeding for the purpose of Article 2.5. This ruling is appealable under Rule 6.4.

7. Parties shall observe and comply with the *ex parte* communications rules set forth in Rules 7(c) and 7.1 of the Commission's Rules of Practice and Procedure.

8. The principal hearing officer in this proceeding is ALJ Michael Galvin.

Dated April 17, 2006, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey
Assigned Commissioner

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Scoping Memo and Ruling on all parties of record in this proceeding or their attorneys of record.

Dated April 17, 2006, at San Francisco, California.

/s/	FANNIE SID
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	Fannie Sid

NOTICE

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.